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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,678	07/14/2000	Per-Olof Brandt	040071-080	6987
21839	7590	09/21/2004	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P			DUONG, FRANK	
POST OFFICE BOX 1404			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22313-1404			2666	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/617,678

Applicant(s)

BRANDT, PER-OLOF

Examiner

Frank Duong

Art Unit

2666

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the _____ application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-17.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____



Frank Duong
Examiner
Art Unit: 2666

Continuation of 5. does NOT place the application in condition for allowance because: the arguments are not persuasive and the Atokawa reference still anticipates the claimed invention in the present condition. In the Remarks of the outstanding response, Applicant repeats the argument from the response dated 02/24/04 asserting "it appears that all of these elements of the bandwidth blocking filter circuit 27 work together to perform the bandwidth blocking filter function, and thus Atokawa does not describe the recited plurality of circuits". In response, Examiner respectfully disagrees and asserts the Atokawa reference clearly anticipates the claimed invention in the present condition as carefully pointed out in the Office Actions. Also in the Remarks, on page 2, last paragraph continues to page 3, first paragraph, Applicant states "In responding to the Applicant's prior arguments, the Office appears to affirm the Applicant's understanding of Atokawa in the paragraph spanning pages 7 and 8 ...D1 and D2". In response, Examiner assures the Applicant that there is no portion in the previous Office Action indicates the Examiner has reaffirmed the Applicant's understanding of Atokawa reference. The Office Action just merely appreciates the Applicant's analysis of the Atokawa reference. However, the Office Action has precisely responded to the Applicant's arguments and asserted the Atokawa reference, contradistinction to the Applicant's arguments, still clearly anticipates the claims. As for the arguments pertaining "if the bandwidth blocking filter circuit 27 were broken up into separate circuits ... interpretation of Atokawa", Examiner finds, after revisiting the claims, language in the claims nor the specification to guide the Examiner to interpret the Atokawa reference in a manner as urged by the Applicants. Applicant is reminded that claim language is subjected to Examiner's broadest, reasonable interpretation of the reference in consisting with the specification. Due to the arguments are not persuasive and not place the claims in a favorable condition for allowance and the Atokawa reference still anticipates the claims, the rejection from last Office Action is maintained .



FRANK DUONG
PRIMARY EXAMINER